



Atty. Dkt. No. 040563-0167

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Grier et al.
Title: TRANSVERSE OPTICAL
ACCELERATOR AND
GENERALIZED OPTICAL
VORTICES
Appl. No.: 10/659,153
Filing Date: 09/10/2003
Examiner: Zia R. Hashmi
Art Unit: 2881

<p>CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below.</p> <p><u>LAUREN MARSHALL BROWN</u> (Printed Name)</p> <p><u>[Signature]</u> (Signature)</p> <p><u>3-20-06</u> (Date of Deposit)</p>

DECLARATION OF MARSHALL J. BROWN

I, Marshall J. Brown, do hereby declare:

1. I am a Senior Counsel attorney at Foley & Lardner with the Chicago office.
2. On February 24, 2006, a status check request appeared on my personal electronic docket for United States Patent Application No. 10/659,153, entitled "Generalized Optimal Vortices." Such status checks typically appear at six month intervals.
3. In accordance with this request, I inquired as to the status of this application using the Public PAIR database through the www.uspto.gov website.
4. During this inquiry, I discovered that a nonfinal official action had been issued by the Examiner, Zia Hashmi, on September 19, 2005. I am able to print out a copy with that official action off the PAIR database
5. Prior to this inquiry, I had neither seen nor received any information concerning the existence of this nonfinal official action.

6. The declarant hereby acknowledges that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001) and may jeopardize the validity of the application or any patent issuing thereon. Further, all statements of my knowledge made are true and statements made on information and belief are believed to be true.

Respectfully submitted,

Date March 15, 2006

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By Marshall J. Brown

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